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[The numbers below the names show the number of tithables on each plantation. According to races, the tithables stood 372 white and 52 negroes. Estimating the tithables at one-third of the total population would make Northampton's population in August, 1666, 1,116 white, and 156 negroes—total, 1,272. This was about three years after Accomack county was cut off from Northampton.]

F. B. ROBERTSON.

Eastville, Va.

VIRGINIA IN 1636-'8.

HARVEY'S SECOND ADMINISTRATION.

(Abstracts by W. N. Sainsbury, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

(CONTINUED FROM IX, 410.)

[The papers published in this instalment, which to some extent cover the same period as those in Vol. IX, of this Magazine, treat of Governor Harvey's return to Virginia on January 18, 1636-7; of Lord Baltimore's attempt to obtain control of the colony; of Claiborne's claims to what he deemed his rights in Maryland, and various orders and petitions in regard to tobacco. The Assembly referred to in Harvey's letter of January 27, 1636-7, met, in accordance with his summons, on February 20, 1636-37. In a letter dated January 29, 1637-8, (printed in *Virginia Magazine* IX, 272), Harvey refers to "the ensuing Assembly," which met (see a letter from Harvey, *ib.* IX, 409) on February 20, 1637-38. These two Assemblies, which have escaped particular notice, help to fill up the gap which seemed to exist between the sessions of May, 1635, and January, 1639. Virginia, therefore, between the years 1629 and 1640, had annual meetings of its legislature.

It is interesting to compare the history of Virginia from the accession of Charles I to the year 1640, as shown in these extracts from the English public records and other sources, with

that of England during the same period, for it was at this time, when the last-named country was being driven into civil war by the King's misgovernment, that the foundation of Virginia's steady loyalty to him and his house was laid.

Not long after the accession of Charles to the throne he had restored to the colony the right of holding legislative assemblies, which it had lost through the revocation of the charter of the Virginia Company, and, shielded by its insignificance and its great distance from England, Virginia had no cause, during all this troubled time, for any hostility to the King.

During the period 1629-1640, when liberty in England seemed to be in danger of perishing, when there was no Parliament and almost no law save the will of the King, Virginia had annual sessions of its House of Burgesses.

While the people at home were oppressed with illegal taxation, the Virginia legislature could reaffirm and constantly carry out its determination that no taxes should be imposed "otherwise than by the authoritie of the Grand Assembly, to be levied and imployed as by the Assembly shall be appoynted" (1632, Hening I, 196). Here the colonists suffered from no illegal imprisonments nor did the failure of the only effort of the King to obtain an increased revenue from them induce him, apparently, to take any illegal measures. This effort, a somewhat continued one, to obtain the consent of the Assembly to a contract for a monopoly of tobacco, was unsuccessful, the House of Burgesses persisting in its refusal to make one.

Probably the only effect on the colony of the prevailing policy at Court is to be seen in the numerous laws relating to religion and conformity; but as the great mass of the Virginia people were loyal to the established church, this caused but little trouble.

The causes of discontent in the colony during the period in question were mainly local. The settlement of Maryland was at first thought to be a most dangerous blow at Virginia; but this feeling resulted from wounded pride at loss of territory, and a fear of "Papists," rather than from any actual good reason.

The administration of Governor Harvey became, after a time, unbearable, and then the people deposed him and sent him to England. This, which was well calculated to rouse the anger of a sovereign even less jealous of his prerogative than Charles,

was practically condoned, though Harvey was returned to Virginia for a time.

So the Virginians, living in peace and increasing prosperity, taxed only by their own representatives, governed by their own laws, busily engaged in opening up new plantations and in the increased culture of tobacco, had no feeling to King Charles other than that of loyalty and affection.]

GOVERNOR HARVEY TO ———

(Copy.)

Most Reverend and Right H^{ble}.

After I had found by a dangerous experience the insufficiencye of his Ma^{ties} Ship, the Black George, Least by a further delay in my stay the service might receive prejudice, I shipped myself wth some few of my Company in a Ship of the Isle of Wight, then ready to sett sayle for this Port of Viginia, in w^{ch} by God's blessing I arrived in health at Point Comfort the eighteenth day of this present January, and the first hower of my arrivall I sent out summons for those who are nominated and appointed his Ma^{ties} Counsell heere, upon their repaire to mee, I then p^{ceeded} to the reading of my Commission and Instructions at the church of Elizabeth Cittie, and after I had taken the Oaths of those of the Counsell according to his Ma^{ties} Commands to me and them, we published by proclamation his Ma^{ties} Grace and pardon to all those who had been ayding and abetting in the late practise against me, his Ma^{ties} Governor, excepting to such who by special mandate were exempted. Before I removed from Elizabeth Cittie I appointed Commissioners and Sheriffs for the lower Countyes and for the Plantacon of Ackowmack on the other side of the Baye. As also I published his Ma^{ties} pleasure for an Assembly w^{ch} I summoned to begin the 20th of February ensuing. After I had thus Settled the affaires of Government in the lower parts I repaired to James Cittie, where I am now advising wth the Counsell of the like course for this of James Cittie and the Upper Countyes. And for all other matters to w^{ch} his Ma^{ties} Instructions commandes. Of all w^{ch} yo^r Hon^{rs} shall receive a faithfull account as soon as tyme will give us leave to ripen them.

By this first Ship you may please to accept the short summ of my proceeding hitherto. Thus humbly resting,

Yo^r Hon^{rs} ever to be commanded,

JOHN HARVEY.

James Cittie, this 27th of January, 1636.

LORD BALTIMORE TO SECRETARY WINDEBANKE.

(Copy.)

S. P. O.

Lord Baltimore's Letter,*

Col. Vol. 9, No. 42.

February 25th, 1636.

Right Honorable.

Since I waited on you I have (heere in the Countrey) further considered of the proposition which I made unto your honor concerning the advancement of his Majesties service in Virginia, and I have desired my Brother Peaseley to acquaint you with my resolution in it: which I will infallibly performe, if his Majestie please to accept of it, for you may be most assured that I would not ingage my creditt in a business of such importance, and especially to such persons, before I was very well assured of my ability to performe with ample satisfaction, what I undertake. I do presume, by him also, to propose unto you a way of moving the king in this business; such a one as I conceive may be most likely to take effect, or in case his Majestie, for private reasons approve not of the proposition, the refusall of it, in that way, will, I conceive, be less prejudiciall to me; but this I humbly submit to your better judgment. If the business take effect, as the king will receive a greate benefitt by it, so will it be of good consequence to me, which I shall accordingly acknowledge to your honor and besides I shall thereby be enabled to do you such further service as shall make me appeare unto you a really grateful man.

I am much your debtor, Sir, for former favours, and in especiall for your present care of my Newfoundland business that concerns me very much, which I shall likewise really acknowledge to you; for I Know by good experience your noble integ-

* This letter was addressed to Mr. Secty. Windebanke * * * See page 216 Post. A. W. McDonald.

rity and favor to me to be such as that you will by the best of your endeavours protect and preserve from injury.

Your honors most affectionate and humble Servant,

C. BALTIMORE.

Warder Castle, 25 February, 1636.

LORD BALTIMORE'S MEMORIAL IN REGARD TO VA.

Indorsed March, 1636.

Memoriall of L'd Baltimore for Mr. Secretary, Touching Virginia.

The Lord Baltimore having considered of the discourse that was betwixt Mr. Secretary & himselfe concerning his desire to do his Majesty Service in Virginia doth conceive (with submission to Mr. Sec^r better judgment) this to be a fitt way to propound the matter to the King.

That Mr. Secretary may be pleased to take notice to his Maj^{ties} how sensible he lately often found the Lord Baltimore to be for the great favors he hath received from the King in his late occasions, and how desirous he is to do him some acceptable Service wherein he may expresse his duty & gratitude to his Majesty. The consideration whereof hath invited him to take some paines to inform himself of ye present State of Virginia, whereof he hath acquired so much knowledge as he well understands the great prejudice the king suffers thereby, not reserving so much profit from thence as he ought to have and is due; whereupon hee did assure Mr. Sec^r. that he would undertake to improve his Maj^{ties} Revenue from thence eight thousands pounds yearly more than now he receives for or by reason of that Plantation, and this his Lop. will do without laying any new or other taxes or imposition on the Planters than what they now do & will most willingly pay.

But because this advancement of the King's Revenue in Virginia cannot be effected unless the Lord Baltimore do repair & reside some time there, which he cannot with his safety well do, except hee be authorized & enabled by having the Government of that Country, whereunto though Mr. Secretary perceives the Lord Baltimore hath no ambition or affection yet for the advancement & performance of this service he doth verily

think that upon his Ma^{ty}s Command the L^d Baltimore would accept of the Govern^{mt} & two thousand pounds yearly for the support thereof, payable out of that improvement of Rent, and for that purpose would so accommodate his private occasions here as he mought be ready to transport himself thither with as much speede as his Ma^{ty}e & this Service require. And that if his Maj^{ty}e were pleased to speak with the L^d Baltimore hee would upon signification of his pleasure make his present repayre from the Country to give him particular & perfect satisfaction of the meanes & manner to raise this increase of Revnue.

Colonial IX, No. 45.

RICHARD KEMP TO ROBERT READE.

(Copy.)

Sir:

Yours of the 12th of August are arrived to mee, wherein, among other demonstrances of your favour you are pleased to impart unto mee My Lord Baltimore, his Honorable friendship to mee, in having beene divers times with M^r Secretarye concerning a Letter to be written from his Majestie to the new Governor and Counsell of Virginia, giving mee Lycense to repaire for England, and requiring them to confirme mee in the place of Secretarye, and alsoe to settle upon mee the office of certifieing the Invyces of Tobacco. In the first part whereof (as you write) M^r Secretarye is willinge to doe mee favour, in the other he conceives it would be to my prejudice to move.

I must ever acknowledge M^r Secretarye his honorable favour towards mee, in that he hath pleased to descend soe farr as to mediate the first part being for my good, and not to move the other being to my prejudice, and indeed I never preferred any desire to my Lord Baltimore concerning the last clause; however, the mistake hath happened, but rather have lycense to depart for England, with warrant to receive the fee for those Invoyses. I have already certified according to his Majesties Letter on that behalfe, dated at Rufford, the 4th of August, in the 12th yeare of his Raigne. To this purpose and noe otherwise I was the last yeare bould with you by my letter of the 4th of Aprill for your furtherance and assistance, the coppie of which letter

from the king as alsoe of my letter of the 4th of Aprill, I have sent transcribed for better satisfaction.

The full effect of which letter of mine (dismissing from my place excepted) I now againe crave your ayde, or if it cannot be procured with continueing of me in the place I would purchase my goeing home att the price thereof.*

My desire of keeping the place (if it may stand with the effecting my goeing home) hath (among other too long heere to repeate) this reason I would in my absence depute your Brother in my place, with helps sufficient for execution thereof; I have already stated uppon him the proffitt of the warrant and orders of Court, an employment will be none of the least of his benefitts, if you please att my suite to add your helpe to him in the supply of some competent Clothing and lynnens, and to send him over two men, I will undertake after arrivall your adventure shall turne to good account for him; for, Sir, the estate of those is miserable whose dependance is uppon Merchants, in those wayes of supply whose intollerable exactions undoe men, or att least keepe them under from raying a wealthy fortune. By such supply of yours to your Brother he wilbe enabled to send for England and thereby make the best advantage of what his endeavour shall purchase him, our pay being here, for want of coyne, in Tobacco. Thus, Sir, resting,

Your affectionate friend and Servant,

RICH. KEMP.

James Cittye, the 20th March, 1637.

S. P. O., Colo., Vol. 10, No. 60.

WILLIAM CLAIBOURNE'S CASE.

(Abstract.)

Whitehall, April 4, 1638.

Order of the Lord's Commiss^r for Foreign Plantations. Upon petition of Capt. W^m Claibourne on behalf of himself and partners, showing that by virtue of his Maj. Commission they divers years past discovered and planted upon an island in

* Reference to this of the 4th of April shows that this letter of the 20th of March is addressed to Robert Read, Secretary to Windebank.

Chesapeak Bay, named by them the Isle of Kent; that Lord Baltimore obtained a patent comprehending said Island, and that they had likewise settled another Plantation upon the mouth of a river in the bottom of said Bay in the Susquehannas Country, which Lord Baltimore's agents sought to dispossess them of, pretending great injuries and violence in their trade and killing of said Claibourne's men and taking their boats, contrary to said Commission, & the express words of his Maj. letter, and praying a conformation under the great Seal of his Maj., said Commission and letter for the quiet keeping & governing of said Island Plantations & people, and for a reference on said wrongs and injuries.

For as much as said petition was referred to said Lords Commiss^{rs} by his Maj: at New Market on 26 Feb., 1637-8, and all parties attending, their Lordships this day, with their Counsel, and being fully heard, & said Commission & Letter read. It appeared clearly to their Lordships, and was confessed by said Claibourne himself, then present, that said Isle of Kent is within the bounds and limits of Lord Baltimore's patent, and that said Capt. Claiborne's Commission was only a license under the signet of Scotland to trade with the Indians of America in such places where the said trade had not been formerly granted by his Maj: to any other. Which Commission their Lordships declared did not extend or give any warrant to said Claiborne or any other, nor had they any right or title thereby to said Island of Kent, or to plant or trade there or in any other parts with the Indians within Lord Baltimore's patent. And that said Commission was grounded upon misinformation by supposing that it warranted the plantation in the Isle of Kent which (as now appears) it did not. As also, upon consideration of a former Order of 3rd of July, 1633, (which see) wherein Lord Baltimore was left to the right of his patent and petⁿ to the course of law. Their Lordships having declared as abovesaid the right and title of said Isle of Kent and other places in question to be absolutely belonging to Lord Baltimore, and that no Plantation or Trade with the Indians ought to be within the precincts of his patent without license from him. Did, therefore, likewise think fit and declare that no grant from his Maj: should pass to said Claiborne or any others of the said Isle of Kent or

other parts within said Patent. Whereof his Maj.;, Attorney and Solicitor General are hereby prayed to take notice. And concerning the violences and wrongs by said Claiborne and the rest complained of in said petition to his Majesty, their Lordships did now also declare that they found no cause at all to relieve them, but do leave both sides therein to the ordinary course of justice. 4 pp. (Two copies.)

Colonial Papers, Vol. 9, Nos. 94, 95.

RICHARD KEMP TO SECRETARY WINDEBANKE.

(Abstract.)

Point Comfort, April 6, 1638.

Richard Kemp, Secretary of Virginia, to Secretary Sir F. Windebank. Incloses the Acts and the whole proceedings passed in writing this last assembly. When he first declared the King's propositions to them he urged their duty together with the necessity of their yielding to them by instancing how far their poverty had grown upon them by the continuation of their excessive planting of tobacco and the benefit of a contract. What could be won upon them, their answer in its natural Colours will inform. Nor does he conceive a contract will ever be brought to effect, if it depends upon the yielding of an assembly; and if it pass otherwise without obliging all other English Plantations he may justly also fear the ruin and unpeopling of the Colony. The people of late, given to affect good buildings, scarce any inhabitant but hath his garden and orchard planted. Few there are but endeavour the raising of Stocks of cattle or hogs, or both, with much labour, considering the neighbourhood of the Savages, who are ever awake to mischiefs and injuries of spoil even in the straightest time of peace. If (say they) our tobacco, from whence we yet fetch our maintenance, must fall into a Contract, all shipping will desert us excepting some few belonging to the Contractors. Where is, then, the encouragement to the breeding of cattle or hogs when the means whereby to vent them is abridged us—And what is worse in consequence the Colony will in short time melt to nothing for want of supplies in people, for of hundreds which are yearly transported scarce any but are brought in as merchandise to make of sale of, nor

can the Planters generally better provide when this year they cannot promise to themselves ability to purchase a servant the next year, nor until their crops of tobacco be taken down.

(*Colonial Papers*, Vol. 9, No. 96.)

THE KING'S PROPOSITION CONCERNING TOBACCO.

(Abstract—Inclosure in Preceding.)

April 6, 1638.

The King's Propositions to the Assembly of Virginia. Concerning a Contract for Tobacco: the excessive rates exacted by Merchants & Masters of Ships for their Clothes and provisions, and the quantity of farthings necessary for the Province, that notice thereof may be given to Henry Lord Matravus, who is one of his Maj: patentees, for the making and venting them in England, and who shall furnish the colony with the quantities required by way of truck or exchange for commodities vendible in England.

(*Colonial Papers*, Vol. 9, No. 96.)

RICHARD KEMP TO ROBERT READE.

(Abstract.)

James City, April 10, 1638.

Richard Kemp, Secretary of Virginia, to Robert Reade, Secretary to Sir: F. Windebank. According to his Maj: Instruction a levy has been raised of tobaccos for repairing the fort at Point Comfort and building a State House at James City, part of which tobaccos are sent for England by this bearer, George Menefie, to sell, and with the proceeds to send over workmen to accomplish the said public works. Has received order from the Governor & Council, together with the Burgesses of this last Assembly, to send a petition which they desire may be presented to the King, with instruction to M^r Menefie to attend Reade for answer.

(*Colonial Papers*, Vol. 9, No. 97.)